

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS LESTER FURY, III,

Defendant.

CR-18-01-H-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on July 2, 2024. (Doc. 76.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 2, 2024. (Doc. 74.) The United States accused Thomas Fury (Fury) of violating his conditions of

supervised release (1) by testing positive for methamphetamine and a marijuana metabolite on December 13, 2023, (2) by testing positive for methamphetamine and a marijuana metabolite on December 27, 2023; (3) by testing positive for amphetamine and methamphetamine on January 7, 2024; (4) on January 10, 2024, interacting with known felons without obtaining permission of his probation office; by (5) testing positive for methamphetamine on February 16, 2024 ; and (6) by failing to attend his substance abuse outpatient treatment session on February 21, 2024 (Docs. 36, 38, 42, 49 and 57.)

At the revocation hearings, Fury admitted to having violated the conditions of his supervised release (1) by testing positive for methamphetamine and a marijuana metabolite on December 13, 2023, (2) by testing positive for methamphetamine and a marijuana metabolite on December 27, 2023; (3) by testing positive for amphetamine and methamphetamine on January 7, 2024; and (4) on January 10, 2024, interacting with known felons without obtaining permission of his probation office. (Doc. 44.) Judge Johnston dismissed alleged violations 5 and 6 on the government's motion. (Doc.74.)

Judge Johnston found that the violations Fury admitted proves serious and warrants revocation of his supervised release and recommends a sentence until 10:00 a.m. on Monday, July 8, 2024, with 30 months supervised release to follow. Judge Johnston imposed as an additional condition of Fury's supervised release,

Fury shall enter and successfully complete the Jeremy House treatment program and abide by all terms and conditions imposed upon him at the Jeremy House. Fury was advised of his right to appeal and his right to allocute before the undersigned and waived those rights. (Doc. 74.) The violations prove serious and warrants revocation of Fury's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 76.) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Thomas Lester Fury, III be sentenced to a term of custody until 10:00 a.m. on Monday, July 8, 2024, with 30 months supervised release to follow. An additional condition of Fury's supervised release will be imposed. Fury shall enter and successfully complete the Jeremy House treatment program in Bozeman, Montana, and abide by all terms and conditions imposed upon him at the Jeremy House.

DATED this 3rd day of July, 2024.



Brian Morris, Chief District Judge
United States District Court